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General Assembly
Emergency Special Session

Official Records

21st meeting
Monday, 20 October 2003, [illegible] a.m.
New York

President: The Hon. Julian R. Hunte ..... (Saint Lucia)

The meeting was called to order at 3.10 p.m.

The President: I declare the tenth emergency special session of the General Assembly on illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory resumed pursuant to General Assembly resolution ES-10/12 of 19 September 2003, whereby the Assembly decided "to adjourn the tenth emergency special session temporarily and to authorize the current President of the General Assembly to resume its meeting upon request from Member States".

In that connection, I should like to draw the attention of delegations to the following: document A/ES-10/242, which contains a letter dated 15 October 2003 from the Permanent Representative of the Syrian Arab Republic to the United Nations, in which he requests, on behalf of the States members of the League of Arab States, the resumption of the tenth emergency special session, and document A/ES-10/243, which contains a letter dated 15 October 2003 from the Permanent Representative of Malaysia to the United Nations in his capacity as Chairman of the Coordinating Bureau of the Non-Aligned Movement, by which he conveys the support of the Non-Aligned Movement for the request for the resumption of the tenth emergency special session.

Scale of assessments for the apportionment of the expenses of the United Nations (A/ES-10/245)

The President: In keeping with the established practice, I should now like to draw the attention of the General Assembly to document A/ES-10/245, which contains a letter addressed to the President of the General Assembly by the Secretary-General informing the General Assembly that 12 Member States are in arrears in the payment of their financial contributions to the United Nations within the terms of Article 19 of the Charter.

May I take it that the General Assembly duly takes note of this information?

It was so decided.

Agenda item 5 (*continued*)

Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Draft resolutions (A/ES-10/L.13 and A/ES-10/L.14)

Mr. Al-Kidwa (Palestine) *(spoke in Arabic)*: Israel, the occupying Power, is committing a terrible war crime against the Palestinian people — of the scope of a crime against humanity — by building an expansionist wall in the occupied Palestinian territory, including East Jerusalem. This has involved the confiscation and destruction of thousands of dunums of Palestinian land, the destruction of the livelihood of tens of thousands of Palestinian civilians, and the illegal, de facto annexation of vast areas of the occupied Palestinian land.

With the continued building of that expansionist wall — if the international community allows the continuation of such a crime — Israel will have

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effectively transferred large numbers of Palestinian civilians and will have constricted the rest of the Palestinian people in several walled cantons with additional secondary walls inside them. It will, of course, also have effectively destroyed the possibility of the existence of an independent, sovereign State of Palestine and of achieving a political settlement of the Israeli-Palestinian conflict in line with the two-State vision set out in Security Council resolution 242 (1967) and the armistice line of 1949, known as the line of 1967.

The matter is thus of extreme importance. It concerns our national existence and peace in the region. It is either the wall, or the road map. It is either the wall or peace — for it is impossible to have both.

In spite of the strategic and historic importance of the matter, the Security Council has failed to exercise its primary responsibility for the maintenance of international peace and security because of the exercise of veto by one of its permanent members. The 14 October veto prevented the Security Council from adopting a binding resolution declaring the wall illegal under the relevant provisions of international law and from demanding that Israel, the occupying Power, cease its construction and dismantle the existing parts. That was the second veto by the same permanent member in less than one month, and its 27th veto since 1976 on draft resolutions dealing with the situation in the occupied Palestinian territories.

The practical result of the veto is that the construction of the wall will continue, with catastrophic consequences, unless the General Assembly and the United Nations system do something about it.

Against that background, we, the Arab Group and the Non-Aligned Movement, called for the resumption of the tenth emergency special session, in accordance with the formula of Uniting for Peace, with a view to making appropriate recommendations to members for taking collective measures.

At this point, I would like to thank you, Mr. President, for your positive response to the request for the resumption of this important session. I would like to affirm here that we must do what is necessary. We must stop the building of the wall.

Israel, the occupying Power, began building the first phase of its wall to the north-west of the occupied West Bank in June 2002. For several months, it succeeded in preventing any real response by the international community to this action because of the secrecy surrounding the planning of the wall and the false impression it created about compliance, albeit relative, with the armistice line.

With the continuation of Israel's bloody military campaign against the Palestinian people and of its media and political campaign against the Palestinian Authority and leadership, different immediate priorities were imposed on the Palestinian side and on the international community. Under that cover, Israel, the occupying Power, actually concluded what it refers to as the first phase. It declared in April 2003 the completion of 27 kilometres of the expansionist wall and then, by the end of the summer, the completion of the entire first phase of about 150 kilometres.

That includes a wall 8 kilometres long, north of occupied East Jerusalem; a second wall to the east; and a third, 15 kilometres long to the south — that is, north of the city of Bethlehem. The three are suffocating and destroying both occupied East Jerusalem and Bethlehem.

The wall comprises several components, including, in some areas, concrete walls 8 metres high with fortified guard towers and, in others, several fences, some of them electrified, containing all or most of the following: trenches, dirt paths, two-lane paved patrol roads, barbed wire, sensors and "no-go" areas, making the width of the wall anywhere from 70 to 100 metres.

In its first phase, this expansionist wall has already resulted in the confiscation and destruction of approximately 15,000 dunums of land for the footprint of the wall alone, which also involved the uprooting of more than 100,000 trees and the destruction of 30 kilometres of water networks. Moreover, by cutting deep into the Palestinian territory, up to six kilometres beyond the armistice line, the wall has isolated more than 105,000 dunums of Palestinian land. If the wall is not removed, the fate of that land will be its illegal, de facto annexation by Israel.

The confiscation of Palestinian land on which the wall has been built and the isolation of the land between the wall and the armistice line have had a destructive impact on the lives of more than 200,000 Palestinian civilians in 65 villages and towns on both sides of the wall. They have had to suffer a partial or complete separation from their land and water resources, as well as from the rest of the Palestinian

people. In addition, there are severe restrictions on their movement, such as in the city of Qalqilia, where — as it is completely surrounded by the wall — the city's 40,000 inhabitants can enter and leave only through one controlled gate, and even then for only a few hours each day.

On 1 October the Israeli Government adopted plans for the second phase of the expansionist wall, a phase that dwarfs the first one in the scope of its illegal expansionist conquest of Palestinian land and in the harmful effects it will have. The second phase is to begin with the construction of a wall east of the illegal Israeli settlements of Ariel and Kidumim, cutting more than 22 kilometres deep into Palestinian territory. One can only imagine the consequences of such a step.

If the international community allows the implementation of the second phase of this Israeli crime, then the third and fourth phases will surely follow, extending the total length of the wall to more than 500 kilometres, at a cost of more than $1 billion. Next, the construction of the wall on the eastern side of the occupied Palestinian territory will begin in order to cut it off from its international border with Jordan, allowing for the conquest of the Jordan Valley and the completion of the wall of the three or four bantustans on half of the occupied Palestinian territory.

To restate the obvious, the expansionist annexation wall, both in its individual parts and in its entirety, is illegal. Its construction represents a violation of Article 2, paragraph 4, and of Article 1, paragraph 2, of the Charter of the United Nations. It violates the established principle of international law prohibiting the acquisition of territory by force. It violates article 47 of the Fourth Geneva Convention, which bans any annexation by an occupying Power of the whole or part of the territory occupied. It also violates article 33 of the same Convention, which prohibits the collective punishment of protected persons. And, finally, it represents a grave breach of the Convention under article 147, since the wall involves extensive destruction and appropriation of property. This is in addition to the serious violation of relevant Security Council resolutions, including resolution 242 (1967), which is the cornerstone of the peace process, as well as the Oslo Agreement.

It is thus abundantly clear that the construction of the expansionist annexation wall by the occupying Power is a war crime and, I reiterate, a war crime of such seriousness and intensity that it constitutes a crime against humanity.

The building of the expansionist wall complements Israeli settlement activities. They are the same in terms of colonizing our land, conquering it and annexing it. The wall is an immense war crime that compounds the other — the Israeli settlement of our land.

In addition to the countless other war crimes committed by the occupying Power against the Palestinian people, the most recent occurred in the Rafah refugee camp just a few days ago. That crime, along with other Israeli war crimes, is essentially the responsibility of Ariel Sharon, the war criminal, and that of his Government, the war Government.

Israel, the occupying Power, has illegally transferred more than 400,000 Israeli settlers to the occupied Palestinian territory, including East Jerusalem, who are now living in over 200 settlements built on more than 8 per cent of occupied Palestinian land, not counting adjacent land and the additional land they are trying to control. Israel has established a separate infrastructure and complete road networks for those settlers, enabling them to exploit and abuse our natural resources and our water, and to terrorize our people. Now, with the building of its expansionist wall, the occupying Power is trying to annex the Palestinian land on which half of those settlers live, while leaving enough for expanding the rest of the settlements and for destroying the Palestinian national presence.

Israel has carried out all those crimes in spite of the absolute prohibition of such colonization under the Fourth Geneva Convention and its Additional Protocol, which defines it as a war crime, as does the Rome Statute of the International Criminal Court. Those actions were carried out despite the fact that 27 United Nations Security Council resolutions reaffirm the applicability of the Fourth Geneva Convention and request the occupying Power to comply with its provisions, some of them specifically requesting the cessation of settlement activities and holding the annexation of East Jerusalem to be null and void.

How can these Israeli war crimes be described appropriately? Is this classic colonization? We believe it is worse. Is it a new apartheid system? We believe it is even worse than that: it is a hybrid of those two ugly phenomena that stoops to the lowest level of racist, colonialist thinking to achieve Israel's expansionist

aims to colonize the land and negate the national existence of the indigenous people — all in grave breach of the fundamental laws and values of the Charter of the United Nations, international humanitarian law and relevant Security Council resolutions.

In regard to this matter, it is my hope that you will read the 8 September 2003 report on the issue of the wall and the settlements by Professor John Dugard, the Special Rapporteur of the Commission on Human Rights, on the human rights situation in the Palestinian territories occupied by Israel since 1967.

Israel claims that it is building the expansionist wall as a security measure to prevent suicide bombings. This is not only ludicrous and illogical, it is a repetition of the same lie and pretext that has been used by Israel over the years to commit all its crimes against the Palestinian people, particularly its expansionist campaign of settler colonialism.

Israel could build walls on its own land, along the armistice line, and it could raise them to 80 metres instead of eight if it wanted to. True, this would be a bad thing for coexistence between the two sides, but no one could say that it was illegal. Indeed, Israel actually did just that to some extent around the occupied Gaza Strip. If this were now the case with regard to the occupied West Bank and the armistice line, then it would have been possible to believe that Israel was actually building the wall as a security measure. It is imperative in this regard to recall that in the past, Israel repeatedly used the same meaningless security pretext before the General Assembly and the Security Council to justify its illegal settlement activities throughout the territories occupied by it since 1967. Indeed, the General Assembly has over the years witnessed the de facto colonization of our land, while the Israeli side endlessly repeats its excuse that it was doing that as a security measure.

Israel, the occupying Power, is trying to repeat the same thing now. In place of security measures, there are now anti-terrorism measures. Obviously, we are all against terrorism. That is also the clear and unwavering position of the Palestinian leadership and the Palestinian Authority. However, it must be made clear that it is Israeli policies and measures that have led to the suicide bombings and not vice versa. In fact, that condemned phenomenon started 27 years after the occupation began, only after our people had lost all hope for a better future. Israel is responsible for the destruction of three Palestinian generations, for tearing apart the very fabric of our society and for the social ills that plague us, and it is also directly responsible for the ugly phenomenon of terrorism. Israel must understand that there is no security measure that, taken alone, will put an end to terrorism. Moreover, when all the parties come together to arrest that phenomenon, Israel, the occupying Power must not be allowed to exploit the battle against international terrorism and even exploit its own civilian casualties, using them as a cover for its illegal policies and measures and for the continuation of its settler colonialism, expansionism and obstruction of peace.

What can the General Assembly do at its tenth emergency special session to save hope and peace in the region? A clearly stated, unanimous international position in opposition to the wall should be formulated, one that would help terminate its construction. In light of the dismal Israeli record in implementing United Nations resolutions, however — not only by violating them, but even by treating them with contempt — the General Assembly can call on the International Court of Justice and request an advisory opinion on the obligations of the occupying Power with regard to the wall, the cessation of its construction and the dismantling of its existing parts under relevant provisions of international law.

We believe that this approach is rooted in the principle of the peaceful settlement of disputes and complies with international law. We hope that an advisory opinion by the Court will be a decisive factor in the compliance by one and all with the provisions of international law, thus guiding us in the right direction to a just and peaceful settlement. We believe that peace-loving nations, committed to the rule of law, including international law, cannot but be supportive of such an approach.

The real travesty is Israel's indignant refusal to take that approach. Why would anyone be against the judicial involvement of the principal organ of the United Nations? Israel says that that will seriously harm the peace process. Can you imagine? According to this warped logic, the construction of the wall, the conquest of Palestinian land and the illegal expansion are all fine for the peace process, but the advisory opinion of the International Court of Justice will seriously harm the peace process.

I do not wish to comment further, because we have confidence in your judgement and in the international conscience, despite the pressures, and even threats, that have been made in this regard.

Let us save hope. Let us save peace. Let us unite for peace.

Mr. Gillerman (Israel): The call for yet another emergency special session of the General Assembly, in violation of the very conditions set out in the Uniting for Peace procedure, has nothing to do with the so-called failure of the Security Council to adopt a resolution last week, just as the pathetic call at the conclusion of the speech you just heard today by the world's foremost terrorist entity for us to unite in peace has nothing to do with reality.

If there is a failure here, it is the failure of the sponsors of the draft resolutions — both in the Council and in the Assembly today — to recognize that this is a conflict between two peoples, each with rights and obligation. Thus those resolutions failed by not referring expressly and forcefully to the obligation of the Palestinian side to cease their practice of terrorism. By trying to oblige this Assembly to repeatedly adopt one-sided texts that ignore the reality on the ground, the sponsors of those draft resolutions have not strengthened their hand in this conflict, but have weakened the voice of the United Nations.

It is no secret that the only reason no resolution was adopted in the Security Council last week was because the sponsors of that draft resolution — the same draft resolution that has been introduced again for adoption before this Assembly — refused to negotiate a fair and balanced text that would properly refer to Palestinian responsibilities to end their support, encouragement and practice of terrorism. Five members of the Council, including two permanent members, refused to support that draft resolution. A permanent member of the Council — that has done more than any other State to advance the cause of peace — suggested that the text should address Palestinian terrorism and called for the dismantling of the terrorist infrastructure, as required by international law, United Nations resolutions and the road map. But for the sponsors of the text, reference to those Palestinian obligations was too much to bear.

If the Council cannot surrender to the diktat of one of the parties to the conflict, better to demand an immediate vote, express outrage and run to the Assembly — to this Assembly — than negotiate a more balanced text.

The Council failed to swallow whole a nakedly one-sided draft that was cause for indignation, not self-reflection. Unfortunately, the Palestinian side has become all too confident in its ability to abuse the Assembly and push through one-sided resolutions, full of acrimony and blame. It comes to this Assembly each and every time to receive the rubber stamp that it failed to garner in the Security Council.

It is well known that the Palestinian Observer has serious difficulty in accepting any reference to Palestinian responsibilities, which would expressly condemn Palestinian terrorism and call for the dismantling of groups such as Hamas, Islamic Jihad and the Al Aqsa Martyrs Brigade. For the few who still doubt that the Palestinian leadership's failure to take a single measure to meet its moral and legal counter-terrorism obligations stems from a problem of commitment and not of capacity, I would urge them to consider the speed with which the Palestinian security forces managed to arrest those alleged to be responsible for the murder of three American officials in the Gaza Strip last week.

If that is not enough, I would make reference to recent reports indicating that the Palestinian Authority security forces, numbering in the tens of thousands, have recently intensified their campaign, not to bring terrorists to justice, but to capture, torture and arbitrarily execute so-called collaborators with Israel. This is not a question of ability it is a question of will.

When Security Council members have had the audacity to suggest that it is actually appropriate for any resolution addressing the Israeli-Palestinian conflict to refer to Palestinian obligations to fight terrorism, that alone is sufficient cause to convene yet another General Assembly emergency special session to manufacture yet another piece of paper that does not move the peace process forward one iota. That that piece of paper imagines an alternate reality without terrorism of the most vicious and brutal kind, a reality of Palestinian entitlement but no Palestinian obligation, a reality where Israel alone is cast as villain and the Palestinian side alone as victim, is apparently of little concern to the Palestinian side. But it should be of concern to this Assembly. Of equal concern to this Assembly should be the litany of lies repeated today by the Palestinian Observer. We must all remember,

however, that repeating the same lies every single week still does not make them truths.

In our statements before the Council on 14 October, I explained at length the reasons why Israel was compelled to build a security fence. Israel's position in that regard — its legal basis and the details of the unprecedented terrorist campaign against its citizens that has made the fence a necessity — have been set forth in numerous Israeli statements before the Council and this Assembly, in countless letters to the Secretary-General and in a variety of publicly available materials and official statements. Among the points that we raised to counter the many misrepresentations that have been made, I would like to refer briefly to the following.

First, the need to establish a security barrier against the infiltration of terrorists is the direct product of the continuing Palestinian strategy to encourage and tolerate terrorism that has cost hundreds of innocent lives, and threatens thousands more. It is the abandonment of that strategy that would obviate the need for Israeli security measures, including the fence itself, and pave the way for peace.

Secondly, a security fence has proven itself to be one of the most effective non-violent methods for preventing terrorism in the heart of civilian areas. The fence is a measure wholly consistent with the right of States to self-defence enshrined in Article 51 of the Charter. International law and Security Council resolutions, including resolutions 1368 (2001) and 1373 (2001), have clearly recognized the right of States to use force in self-defence against terrorist attacks, and therefore surely recognize the right to use non-forcible measures to that end.

Thirdly, in building the fence, Israel has sought to achieve a balance between the rights and interests of local populations and the rights of civilians to life and not to be blown to pieces in a suicide attack. A similar fence in Gaza, agreed as part of the Israeli-Palestinian Agreements, which garnered no dissent from the United Nations, has successfully prevented the infiltration of terrorists into Israel. By building a fence along a stretch of land that until now has been open to infiltration, there is a real chance to take terrorism out of the equation, and ensure that it is far less available as a weapon to scuttle efforts for peace.

Fourthly, humanitarian considerations play a decisive role in the procedure for building the fence and in dictating its route. If built along the so-called Green Line, which was never meant to be an international boundary and was never legally regarded as one, the fence would simply not fulfil its function as a means to prevent terrorist attacks. Indeed, reference to the armistice line in those draft resolutions is plainly misleading. Neither the armistice line nor the so-called Green Line enjoy any legal status as a border. Neither is referred to in Security Council resolutions 242 (1967) and 338 (1973) nor in the agreements reached between the parties, which require both sides to negotiate secure and recognized boundaries in the context of permanent status negotiations.

Fifthly, in constructing the wall, the use of public or unused land has always been the highest priority. In the cases where property was requisitioned, it was done in full conformity with specific provisions of international humanitarian and local law and followed the precedents set by other States in making similar requisitions for security purposes. There has been no change in the ownership of the territory. Compensation is provided for use of the land, lost crops and any damage caused. Individual solutions have been found, including the provision of dozens of agricultural gates and crossing points along the fence. Indeed, residents have the unprecedented opportunity not only to be consulted throughout the process, but also to file a petition directly with the Israeli Supreme Court.

Sixthly, far from reducing the freedom of movement or territorial contiguity in the West Bank, the net effect of the fence will be to improve the overall humanitarian situation by allowing for a reduction in the presence of Israeli forces in Palestinian areas. In fact, the presence of the fence will actually allow for roadblocks and checkpoints to be removed without increasing vulnerability to terrorism.

Seventh, the Israeli Government has repeatedly declared, and I reiterate it once again, that the fence has no political significance. Its sole purpose is as a life-saving measure to protect Israeli citizens from terrorism. It does not annex any territory or alter the status of any land, its ownership or the legal status of its residents. Indeed, some of the fence runs inside Israeli sovereign territory. Israel remains fully committed to negotiating the final status of the West Bank and Gaza, as agreed in the Israeli-Palestinian agreements and supported by the international community, and will be ready and willing, as it has proven before — as, for example, in the case of its

withdrawal from Lebanon — to dismantle the fence or alter its route, as required in the context of a political settlement reached through bona fide negotiations.

Eighth, the fence is a response to Palestinian terror, designed not to establish a border, but to create a terror-free environment in which a border can be agreed through negotiations.

I give this brief exposition of a far more detailed subject before this Assembly with great reluctance. For we know all too well that this meeting was not convened at the behest of the Palestinian Observer in order to engage in honest debate, examine the truth or further the peace process. Nor is this meeting about ending the kind of terrorism that recently killed 21 Jewish and Arab citizens of Israel in Haifa or three United States citizens in Gaza just a few days ago as they were on their way to interview Palestinian students for scholarship grants. Those who demanded this meeting pursue the comfort found in blaming others, not the salvation which lies in the commitment to resolve differences by peaceful negotiation in accordance with the basic notions of mutual responsibility and mutual compromise.

And as if the persistent abuse of United Nations time and resources on one-sided resolutions were not enough, the Palestinian Observer now seeks to rely on this questionably convened Assembly to approve the exploitation of yet another organ of the United Nations — this time its esteemed judicial organ — in an ill-conceived and manipulative request for an advisory opinion.

Any illusion that this request is the product of an interest in a genuine legal opinion is so easily dismissed that it hardly bears mentioning. Both draft resolutions submitted to the Assembly purport to answer the very "legal" question that is supposedly posed to the Court, and are rife with politically distorted language and supposed legal conclusions. In seeking so clearly to prejudge the issue to be determined, in first determining that the fence — which it misleadingly terms a "wall" — is illegal and then asking the Court whether that is so — the proponents of those draft resolutions not only have exposed their own malicious intentions; they have also exposed the Assembly to mockery and ridicule. Could there be a more obvious abuse of the Assembly, and of the advisory opinion procedure, than for the Assembly to pretend to ask for guidance from the Court on an issue with respect to which it has already determined its response?

This request for an advisory opinion will not enhance the prospects of peace in the region, nor is it intended to do so. It involves the consideration of matters that are political in nature and of outstanding issues that the parties have themselves agreed to resolve through negotiations, in accordance with Security Council resolutions 242 (1967) and 338 (1973). It can only undermine, complicate and further delay efforts to resolve the dispute between the parties by political negotiations. What this request is about is yet another attempt by the Palestinian side to divert attention from the one thing that continues to prevent peaceful settlement, and the one thing that has necessitated Israeli security measures, including the fence itself: the continuing refusal by the Palestinians to fight terrorism, as they are legally and morally obligated to do. To purport to seek judicial relief when the issue under discussion — Israeli security measures — is a direct result of legal violations by the Palestinian side reeks of hypocrisy and manipulation.

In seeking so shamelessly to politicize the Court and to bring an issue that is the subject of dispute before the Court in its advisory capacity, the sponsors of this draft resolution risk serious harm to the reputation, independence and authority of the principal judicial organ of the United Nations. Such cynical abuse of the advisory opinion procedure, in violation of its basic preconditions and its intended purpose, would be an extremely dangerous precedent and would only encourage further abuse of the International Court of Justice as a political weapon by any party to a political conflict.

Should the prestige of the Court be damaged in this way, there would be nothing to stop the uncontrolled referral of sensitive political issues to it without the agreement of both sides to the conflict, as required by the Court's Statute and rules of procedure in contentious cases. On previous occasions, the Assembly has recognized the danger of such attempts to raise disputed issues in this way and has refused to allow the Court to be so manipulated. We urge the Assembly to continue to act in this responsible manner today.

But it is not only the Court that will pay the price of this ill-conceived initiative. How can these draft resolutions possibly be consistent with the role of the

United Nations as a member of the Quartet and a supporter of the road map, which recognizes the obligations of both parties and calls upon them to negotiate their differences in accordance with signed agreements? How can these draft resolutions help the Assembly's standing as a force in the international efforts to combat terrorism when they ignore the calculated murder of hundreds of innocent people?

For too long, the dynamics in this body, and its tendency to rubber-stamp plainly one-sided initiatives supported by a powerful regional group, have undermined the constructive role that the United Nations could play in promoting a political settlement in the region. Quite frankly, many have found it is less troublesome to choose convenience over principle. I have had too many private conversations with delegates in this Hall to pretend or say otherwise.

But, at the end of the day, this entire charade cannot possibly help the Israeli and Palestinian people move closer to peace or ensure that the international community supports them in that effort. Direct bilateral negotiations, based on mutual recognition of the rights and obligations of both parties, have been the only mechanism to bring progress and benefit to the Palestinian and Israeli people. "Forum shopping" to politicize and further sully the United Nations system in yet another attempt to shift blame, avoid responsibility and score cheap points can never help peace and understanding to grow.

If we make an honest assessment of the record of the Assembly, we must ask ourselves one question: what benefit has been achieved by promoting a message that is divisive and contentious, rather than progressive and positive? We sincerely hope that the Assembly will cease to engage in such counterproductive rituals. And we sincerely hope that the President's call, at the beginning of this fifty-eighth session, for principle over expediency and objectivity over bias will finally be heard.

Finally, returning to the fence, I believe one more question must be asked. Two weeks ago, the Almog family was brought to burial. Five members of three generations of the same family — a grandfather, a grandmother, a mother and two grandchildren — had been wiped out, together with 16 other innocent people, by a Palestinian suicide bomber who had infiltrated through an opening in the fence. Had there been a completed fence, they could still be with us today. I appeal to all those present in this Hall to pause for one moment and ask themselves in all honesty: if those children had been your children, would you not have done anything — literally anything — to save them?

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): On behalf of the Arab Group, I should like to thank you, Mr. President, for having agreed to convene this meeting of the tenth emergency special session of the General Assembly to discuss the dangers posed by Israel's continued building of a separation wall in the occupied Palestinian territories.

Because what is happening today is not different from what has occurred in the past, some might justifiably question the usefulness of returning to the General Assembly to discuss our people's concerns and suffering. Previously, we came to the Assembly after a use of the veto had prevented the Security Council's adoption of a resolution asking Israel not to expel the President of the Palestinian Authority; that draft resolution was supported by most Council members. Today, we have returned to the Assembly to discuss the most dangerous development in the Palestinian question: Israel's decision to continue building the separation wall, which not only is intended to annex more territories belonging to the State of Palestine that we all hope will be created, but also completely undermines the idea of establishing such a State. The veto, on 14 October, once again prevented the adoption of a resolution universally regarded as well-balanced — one that only asked Israel to respect the principle of the inadmissibility of the acquisition of territory by force and to consider the separation wall to be illegal and to stop building it.

The occupied Palestinian territories have in recent weeks and months become a real battlefield in which Israel, the occupying Power, has committed war crimes and acts of State terrorism. The Israeli occupation forces have used their lethal weapons to attack innocent Palestinian civilians — women, children and the elderly — killing in the last month alone about 100 Palestinians and wounding hundreds more, with unparalleled brutality. Those forces have continued their barbaric actions in which they destroyed around 300 houses in Rafah alone.

Israel has also continued illegal practices that truly reflect a policy of collective punishment of the Palestinians. This is part of an ongoing settlements

policy in the occupied territories in which the resumption of the building of the expansionist conquest wall is a flagrant violation of international law and of international humanitarian law.

The most dangerous aspect of the construction of the wall is its creation of a de facto situation on the ground and that it isolates the Palestinians on both sides of the wall, prevents them from communicating with each other and from benefiting from their own natural resources and produces new environmental situations that will lead to more poverty, displacement and deprivation among the Palestinians. Now, following what we have heard from the representative of Israel, we must ask why this wall is not built on what is called the Green Line or within Israeli territory. If the representative of Israel pretends not to know or does not know the answer to this question, then we can tell him that this wall is a symbol of expansion, of colonialism and of annexation of the territories of others by force.

It is not impudent of the representative of Israel to stand before the General Assembly and claim that the Palestinian territories are public land that can be used by Israel, under the pretext of security? Silence or complicity before these terroristic Israeli policies is unacceptable. Acts of aggression committed by Israel, such as the absolutely unjustified aggression committed recently against the town of Ein Saheb, Syria, have increased tension in the region, putting it on the brink of explosion. That aggression, in addition to the threat of further aggression, is a flagrant attempt by Israel's war Government to export its internal crises and to divert attention from its failure to achieve the security that it has promised to the Israeli people.

Syria, which exercised self-restraint and turned to international legality in order to face the foolish Israeli aggression, is capable of defending its territory and its dignity. President Bashar Al-Assad of the Syrian Arab Republic, in his address to the Islamic summit in Malaysia, said that experience, in particular recent experience, has confirmed that military might cannot be an alternative to policy. More important than that, it cannot replace reason; it needs more reason. Israel must listen to reason and must realize that however strong its military power, it will not be able to achieve its objectives, nor will it be able to implant fear among us.

The building of the expansionist wall is nothing but a continuation of Israeli colonialist activities. This wall is one more war crime, and because it is an illegal wall in all its details, it is a violation of Article 1, paragraph 2 and Article 2, paragraph 4 of the Charter. It is also a violation of the firm principle of international law that prohibits the acquisition of the territories of others by force. It is a violation of article 47 of the Fourth Geneva Convention, which prohibits occupation forces from annexing parts or all of the occupied territories. It is also a violation of article 33 of the same Convention, which prohibits the collective punishment of protected civilians. It is a grave violation of article 147, because this wall also constitutes wide scale destruction of Palestinian territory and the confiscation of Palestinian land. It is also a violation of relevant Security Council resolutions, above all resolution 242 (1967), which is the cornerstone of the peace process.

Therefore the construction of this wall of expansion by the occupying Power is a war crime, which can be compared to a crime against humanity. Israel tries to justify its practices by claiming a struggle against terrorism while it conducts State terrorism, targeting Palestinian civilians without distinguishing between men, women and children.

But the most harmful thing in the campaign against terrorism is Israel's exploitation and distortion of this campaign in order to divert attention away from its expansionist policies and as justification for its acts of aggression. According to Israeli logic, anyone who aspires to freedom is a terrorist and anyone who calls for an end to expansion and occupation is considered a terrorist.

We already know Israel's response to Security Council and General Assembly resolutions. Not too long ago, we heard a statement by the representative of Israel in which he expressed his disdain for international law as represented by Members of this Organization. We insist once again on our unswerving faith in legality as represented in this General Assembly and in its resolutions, which constitute a main source of international law. And may I say, on behalf of the members of the League of Arab States, that we appreciate the expressions of solidarity by the members of the international community and their call for Israel to stop its aggression and expansionist policies.

Lastly, Syria and the Arab States have decided to accept the option of a just and comprehensive peace in the region, a stalled peace because of Israel's rejection of it and its continued aggression, occupation and confiscation of Arab land. We hope that this debate in the General Assembly will be a fresh opportunity for Israel to change its mistaken positions so that it may work towards achieving a just and comprehensive peace that includes the recovery of the rights and security for all.

Mr. Farhâdi (Afghanistan) (*spoke in French*): It is in my capacity as Vice-Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People that I should like to address the General Assembly under this agenda item. The resumption of the tenth emergency special session has, once again, been made necessary because the situation in the occupied Palestinian territory, including East Jerusalem continues to deteriorate. Last week, at a meeting of the Security Council an overwhelming majority of speakers denounced the construction of the separation wall. The alarming failure of the Security Council to exercise its responsibilities under the Charter of the United Nations and to take decisive measures in that respect, prompt us once again to turn to the General Assembly in the hope that the United Nations will finally shoulder its enduring responsibility for the question of Palestine.

Many sections of the wall currently being constructed by the Israeli Government lie to the east of the Green Line. In some parts it extends up to six kilometres into the West Bank. On 31 July the Israeli Ministry of Defence announced that the first phase of this enormous project — since the wall already extends over 145 kilometres — was complete. During its construction, Palestinian houses were demolished and broad swathes of land were bulldozed and confiscated. The part of the wall that has already been built led to the illegal confiscation of some 1,100 hectares of Palestinian land that had been a significant source of income. Some Palestinian farmers are now facing the possibility of yet another electronic steel fence, which would prevent them from gaining access to the olive trees that their families have been growing for generations.

Last August, the Israeli authorities published expropriation warrants to erect the wall referred to as the "Jerusalem envelope". Some 50,000 Palestinians could thus be relegated to enclaves situated on the Israeli side. True, the wall separates Israelis from Palestinians, but — and this is the real tragedy — it also separates Palestinians from Palestinians.

On 1 October the Israeli Government approved the second phase of the wall's construction from el Kanaa' to Jerusalem, during which a separate network of barriers is to be built. The Committee is particularly concerned at the dangerous plans that provide for the erection of a wall east of the settlements of Ariel, Kidumim and Emanuel — in other words, more than 20 kilometres inside of the West Bank. Satellite images show that 45 per cent of the water resources and 40 per cent of fertile Palestinian land would then be on the Israeli side of the wall.

The construction — undertaken in violation of the Fourth Geneva Convention — if allowed, would institutionalize a system in which freedom of movement would be extremely limited. Movement would be limited to permit holders, which means that Palestinians could be prevented from going to their places of work, and could impede the delivery of essential services, such as medical care and education.

The Committee has repeatedly reiterated its concern at the construction of the wall. It implies that outcome of future negotiations on permanent status has already been decided, and would be tantamount to denying any possibility of creating a contiguous Palestinian State. The asphyxia caused by the wall exacerbates the economic and humanitarian problems facing the Palestinians and further increases their despair and anger.

On several occasions the Committee has stated that it unequivocally opposed both the extrajudicial assassinations of Palestinians and terrorist attacks against Israeli civilians. The Committee takes note of the concerns expressed by the Israeli Government about the security and safety of its citizens. This afternoon the delegate of Israel put some questions to the General Assembly. The Committee also has some questions to ask. Israel still has not answered the fundamental question, why is it building the wall on land that does not belong to it, on the land of the Palestinian people? The Committee is sure that no one would object if the Israeli Government were to build a wall of whatever size to the west of the Green Line, on its own territory. But, so far, the representatives of Israel, including the representative of Israel who addressed the Assembly this afternoon, have not

answered and have not been able to justify that undertaking in a convincing and reasonable manner, either in the Security Council or in the General Assembly. We would like to obtain from Israel a precise, unambiguous, coherent answer to that question before the end of the current session.

We call upon the Government of Israel to stop the construction of the wall and to demolish the parts that have already been built. We urge the Quartet to do everything in its power to give fresh momentum to the road map, which is the only option that will allow Israelis to live in security and the Palestinians to gain an independent State and allow peace and stability to prevail throughout the region.

Mr. Rastam (Malaysia): On behalf of the Non-Aligned Movement (NAM), I wish to thank you, for having resumed the tenth emergency special session of the General Assembly. The NAM has fully supported the request of the Arab Group for the resumption of this emergency special session. We regard this meeting as necessary to enable a more representative membership of the United Nations to take decisive action to address an extremely pressing issue concerning illegal Israeli actions in the occupied Palestinian territory, specifically, the construction of the Israeli expansionist wall in the occupied Palestinian territory.

We regret that it has been necessary to resume this session so soon after the last time, in September, due to the further failure of the Security Council, on 14 October 2003, to adopt another important resolution concerning Palestine. The NAM is deeply disappointed that the Security Council had been prevented from declaring the illegality of the Israeli expansionist wall and demanding its destruction, as well as the immediate cessation of its construction.

It is unfortunate that a veto was once again exercised in the Security Council. This was the twenty-seventh time the veto was used on a draft resolution pertaining to the question of Palestine. This most recent veto does not bode well for future progress towards a just, lasting and comprehensive peaceful solution to end the suffering of both Palestinians and Israelis. Unfortunately, inaction by the Security Council will be perceived by many as approval by the Council of Israel's inhumane and repressive policies and practices, allowing the situation to slide further away from the two-State solution envisaged in the road map.

The NAM has often reiterated its condemnation of violence and terrorism. We condemn the killing and maiming of innocent civilians, including in the recent attacks in Haifa and Gaza. We are equally outraged at and condemn the intensification of Israeli military operations against the Palestinians, including recently in Rafah, which has resulted in the killing and injury of innocent civilians and the destruction of numerous Palestinian homes, infrastructure and facilities. We wish to express our condolences to the families and victims — be they Palestinians, Israelis or Americans — of those senseless acts.

We find it necessary again to remind the General Assembly that the crux of the ongoing Arab-Israeli conflict is not terrorism. It is the ongoing illegal occupation of Palestine by Israel. Israel's actions must be seen for what they are. Currently, Israeli actions somehow point to only one conclusion — they are intended to perpetuate the Israeli occupation of Palestinian territory. The General Assembly must not lose sight of that. The Israeli expansionist wall has been and continues to be constructed in occupied Palestinian territory, and it cannot be justified as a measure to prevent terrorist attacks targeted at Israeli citizens. Israel must not be allowed to use security as a pretext to annex Palestinian territory.

The NAM reaffirms its position on the Israeli expansionist wall, as clearly expressed during the debate in the Security Council on 14 October. In brief, we reiterate that the Israeli expansionist wall constructed in occupied Palestinian territory is illegal, must be dismantled and its further construction immediately discontinued for the following reasons.

First, the wall, sections of which are constructed deep inside occupied Palestinian territory, departs from the 1949 Armistice Line and, therefore, is illegal under international law. Secondly, the wall gravely violates the Fourth Geneva Convention in that it involves the illegal de facto annexation of massive areas of Palestinian land and resources, the transfer of a large number of Palestinian civilians and further denial of human rights among the Palestinians, resulting in increased dire humanitarian consequences among an already deprived people.

Thirdly, the wall presents a major obstacle to implementation of the road map, as it undermines the

creation of a viable contiguous Palestinian State, thereby diminishing the possibility of realizing the two-State solution.

Fourthly, the wall could trigger the end of the Middle East peace process, since it possesses the potential to further provoke unprecedented violence among the severely oppressed Palestinians in their desperate effort to survive under the brutal oppression of the Israeli Government.

The NAM calls on this body to support the two draft resolutions before us. We believe that an advisory opinion from the International Court of Justice on Israel's legal obligation to cease construction of the wall would provide an independent and impartial opinion on the wall's legal status, based on international law and taking into account relevant Security Council and General Assembly resolutions. As the principal judicial organ of the United Nations that has undoubtedly played an important role in promoting peace and harmony by upholding the rule of law, the Court would be the most appropriate forum to present a just answer to this issue, to reinforce the diplomatic efforts that have been undertaken and exhausted.

We call on the General Assembly to muster the necessary political will, the wisdom and the courage to do what is right and just for the peoples of the region. It must do all it can to prevent the further deterioration of the situation on the ground. We fear for the inevitable consequences if the wall continues to be built along its planned path. The NAM firmly believes that the passage of resolutions concerning the wall would send a powerful message to Israel, declaring the international community's strong opposition to the construction of the expansionist wall, which deviates from the Armistice Line of 1949.

It would also demonstrate in a tangible way the General Assembly's concern and sympathy for the dire plight of the Palestinians, who have been severely disadvantaged by the existence and the construction of the wall and the plight of the people of Qalqilya and thousands of others in Palestinian towns, villages and farms who will virtually become prisoners behind the wall, its fences, trenches and security roads.

It would be most unfortunate and tragic indeed if the General Assembly were to fail in its responsibility to uphold justice and promote peace and prevent further victimization of the Palestinian people. Justice must be carried out in Palestine. We must be serious in ensuring the success of the road map.

The President: Before I give the floor to the next speaker, I would like to announce that, in connection with this item, the Assembly has before it two draft resolutions issued as documents A/ES-10/L.13 and A/ES-10/L.14, which are now being distributed in the Hall.

Mr. Kumalo (South Africa): My delegation expresses its appreciation to you, Mr. President, for once again convening this emergency special session in response to the crisis in the occupied Palestinian territories, including Jerusalem. I would also like to associate myself with the statement delivered by Malaysia on behalf of the Non-Aligned Movement.

For the second time this early in the fifty-eighth session of the General Assembly, we come before it because the Security Council has failed once again in its obligations towards peace and security in the Middle East. A draft resolution condemning the construction of a separation wall in Palestine was vetoed.

Contrary to what you, Sir, have just heard, the wall that we are talking about today separates Palestinians from their farms and places of worship and even splits families from one another, all in contravention of international law and the resolutions of the United Nations.

The Assembly needs to send a clear and powerful message against the separation wall that Israel is building to support its continued occupation of the West Bank and Gaza. We should also state that the United Nations unequivocally condemns all acts of terrorism in the Middle East, including the horrific suicide bombing in Haifa and the attack on American diplomats in Gaza.

The acceleration of the construction of a separation wall, as well as the expansion of illegal settlements on Palestinian land, is an act of annexation that is inconsistent with Israel's obligations under the internationally accepted road map of the Quartet.

The settlements and the separation wall create new, unacceptable facts on the ground. They incorporate more land into Israel at the expense of the Palestinian people. As Commissioner of the European Union Chris Patten recently noted, satellite photographs of the West Bank show that 45 per cent of

Palestinian water resources, 40 per cent of Palestinian farmland and 30 per cent of the Palestinian people themselves will ultimately end up on the Israeli side of the separation wall. The fact that many Palestinians have already been deported to the Gaza Strip or have even been forced to flee their land contributes to the reduction of the population of Palestine.

It should come as no surprise that there is a humanitarian catastrophe unfolding in the occupied Palestinian territory. The frightening levels of violence seem to feed from the abject poverty and alienation that Palestinians experience every day. Palestinians suffer the constant humiliation associated with repeated closures of towns, curfews and arbitrary detentions. They have been deprived of their sources of income, agricultural land and homes. Israel's recent attack on Rafah, for example, left another 1,500 Palestinians homeless.

In spite of the depressing conditions prevailing in the Middle East, we are encouraged by the fact that there are still Palestinians and Israelis who believe in a negotiated peaceful settlement. There are continuing attempts among Palestinians and Israelis to renounce all forms of violence, intimidation and incitement and engage one another on the future of their people. We count ourselves among a vast majority of the international community that believes in a negotiated peaceful settlement in the Middle East which will result in two States living side by side in peace, within secure borders — that is, the sovereign State of Israel and the sovereign State of Palestine, with East Jerusalem as its capital.

During our last resumed meeting of the tenth emergency special session, Member States demonstrated that the Security Council had failed once more in its obligation to maintain peace and security in the Middle East. We trust that these resumed meetings will also endorse the resolutions before the Assembly and condemn the construction by Israel of a separation wall on Palestinian land.

We believe that in debating the situation in the Middle East we are not wasting United Nations resources, we are not singling Israel out for unfair and endless criticism. This debate is about saving lives in the Middle East — Israeli lives and Palestinian lives. The least the Palestinian people would expect from the United Nations is for us to once again to adopt the resolutions before the Assembly by an overwhelming margin. Given the decision taken by the Security Council, the Palestinian people have nowhere else to take their case, except before the Assembly. If we do nothing, we will send an unintended message to Israel that it can continue to act with impunity against the Palestinian people.

Mr. Parnohadiningrat (Indonesia): Allow me, at the outset, to express the appreciation of my delegation to you, Mr. President, for convening the twenty-first plenary meeting of the tenth emergency special session of the General Assembly on illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory. This meeting is indeed both very urgent and timely if we are to prevent the region from plunging into a deeper cycle of violence. In that connection, my delegation also wishes to associate itself with the statement made by Malaysia, on behalf of the Non-Aligned Movement.

As we all recall, last week, the Security Council failed to adopt a draft resolution containing, among other things, a declaration by the Council that Israel's construction of the wall in the occupied territories is illegal under international law and must be ceased and reversed. The failure of the Council to adopt the draft resolution has increased the resentment of Palestinians, who had already been disappointed by the Security Council last month, particularly in connection with a similar fiasco on the draft resolution regarding the Israeli Government's decision to expel President Yasser Arafat from the Palestinian territories. Time and again, we have witnessed the fact that the Security Council is unable to take necessary measures to force Israel to accept terms that would lead to a just and fair solution to the Israeli-Palestinian conflict. Therefore, my delegation wishes to register its deep regret over the failure of the Council to adopt the draft resolution contained in document S/2003/980, on the construction of the wall. We believe that the Council has conveyed the wrong message to the Government of Israel.

The debate prior to the voting on that draft resolution elucidated the menace of recent Israeli policies that have affected the well-being of Palestinian society and the prospects for establishing the Palestinian State in the West Bank and Gaza Strip. The construction of the wall clearly goes beyond security measures. It is an illegal, de facto annexation of extensive areas of the occupied Palestinian land. Continuing and inconsiderate Israeli policies of this nature constitute a serious threat to the Quartet's

performance-based road map to a permanent two-State solution to the Israeli-Palestinian conflict, which was published last year.

In that regard, my Government would like to reiterate its support for the idea of ending the conflict on the basis of the road map and the relevant Security Council and General Assembly resolutions. To avoid any doubt, my delegation would like to reiterate that the destination of the road map, in its own words, "is a final and comprehensive settlement of the Israel-Palestinian conflict by 2005". The settlement to be negotiated between the parties would result in the emergence of an independent, democratic and viable Palestinian State living side by side in peace and security with Israel and its other neighbours. Towards that end, Israel must cease its ill practices, including construction of the wall, as they contradict and jeopardize the road map. In addition, the completed portions of the wall must be demolished. It is important that Israel recognizes this vital responsibility in the process.

Finally, let me express my delegation's sincere hope that the 21st plenary meeting of the tenth emergency special session of the General Assembly on illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory will adopt draft resolutions contained in documents A/ES-10/L.13 and A/ES-10/L.14. My delegation strongly believes that the adoption of those two draft resolutions will provide fresh ground for the parties concerned to return to the negotiating table.

Mr. Fadaifard (Islamic Republic of Iran): On behalf of the Organization of the Islamic Conference at the United Nations, I wish to thank you, Mr. President, for resuming the tenth emergency special session of the General Assembly.

The Israeli regime's building of a separation wall deep into occupied Palestinian territory, together with the continued construction of Jewish settlements in the same occupied territory, is a further violation of international law and of the basic rights of the Palestinian people. It is another means for achieving the Israeli goal of depriving the Palestinians of their inherent national rights and, as such, it is having a serious impact on all aspects of the Palestinian question.

The route of the wall opens the way to confiscation of more Palestinian territory. Thus, it amounts to a visible and clear act of territorial annexation under the guise of security. Moreover, there are serious fears that the Palestinians affected by the wall will find life so unbearable that they will move, thereby creating a new generation of refugees.

The policy of building a wall is supplemental to the policy of expanding illegal Jewish settlements in the occupied territory. The illegal settlements in the West Bank, built against the will of the international community, will benefit first and foremost from the wall. Likewise, illegal Jewish settlements are expanding parallel with the completion of the wall that perpetuates racism. Recent press reports indicate that Israel is building hundreds of new homes in the West Bank, further undermining and discrediting the road map and the efforts of its sponsors.

The policy of building the separation wall also indicates that the Israeli regime has never been serious about peace and has always sought to sabotage any prospect for establishing a viable Palestinian State.

Nobody should assume that the consequences of the wall project will affect the Palestinians alone. Undoubtedly, the separation wall, if unchecked, will have a terrible impact on every aspect of the Palestinian question and the situation in the Middle East as a whole. While oppressive and inhuman Israeli policies against civilian Palestinians continue unabated, the consequences of the massive injustice entailed by the separation wall will be enormous for them and for the whole region. They render Palestinians more disappointed in international peace efforts, thus further eroding the situation in the occupied territory. Undoubtedly, a worsening of the situation in Palestinian areas would, in turn, further undermine the situation in the entire Middle East, which is already in turmoil and which suffers, among other things, from the consequences of the adventures in Iraq.

International law has prohibited the conquest and the acquisition of territory by the use of force. The Security Council, on several occasions, has reiterated this prohibition. The Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, likewise prohibits the alteration and the annexation of occupied territories.

It is regrettable that the use of a veto in the Security Council once again, last week, blocked the passage of a draft resolution that would have asked the

Israelis to stop building the separation wall and to dismantle it. It is not acceptable that the Security Council continues paralysed vis-à-vis this grave crisis that is foremost among international priorities and that destabilizes the entire Middle East. The whole world, especially the people in the Middle East, is puzzled over the extent to which double standards and selectivity are being applied to the various issues on the Security Council's agenda.

Building the separation wall is a flagrant crime that will increase the level of violence, and it is a deliberate attempt to strike another blow to any hope for genuine peace. We believe that the General Assembly should do everything in its power, including seeking an advisory opinion by the International Court of Justice with regard to the construction of the wall, in order to prevent the Israelis from carrying out their decision.

Mr. Rodriguez Parrilla (Cuba) (*spoke in Spanish*): It has become necessary once again to convene the General Assembly on an emergency basis as a result of a United States veto in the Security Council. On 27 occasions, the United States delegation has cast a veto to prevent the implementation of Security Council resolutions and to avoid invoking Chapter VII of the Charter. Efforts to protect the inalienable rights of the Palestinian people are thereby stymied. The long record of occupation, acts of aggression, illegal settlements, flagrant, massive and systematic violations of human rights, State terrorism, extra judicial executions, economic stranglehold and physical and moral harm caused by Israel's constant refusal to comply with the provisions of numerous General Assembly and Security Council resolutions for more than five decades has been compounded in recent months by an extremely dangerous and unacceptable act: the building of a separation wall on Palestinian land.

General Assembly resolution 2625 (XXV), proclaiming the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, established the inadmissibility of the acquisition of territory by force, which constitutes a principle of international law. For that reason, the international community has always refused to recognize the illegal Israeli settlements and Israel's annexation of East Jerusalem and the Golan, as affirmed respectively in Security Council resolutions 465 (1980), 478 (1980) and 497 (1981). In those cases, the international community's reaction, expressed through the United Nations, was clear and firm. Nevertheless, the annexation that is being carried out by Israel before our eyes has not yet been condemned with similar force.

Israel presents the building of the separation wall between Israel and the occupied Palestinian territory as a security measure. If the wall were being built along the so-called Green Line — which indicates the border established in 1967 between Israel and the occupied Palestinian territory — it would also be unacceptable. But the wall is being erected on occupied Palestinian territory, thereby cutting off approximately 7 per cent of its surface, which includes agricultural lands, water resources and villages.

The building of the separation wall, the expansion of the settlements and the construction of security roads between the settlements and between them and Israel constitute obvious territorial expansion, to the detriment of the Palestinian people and their inalienable right to self-determination and their right to establish their own independent and sovereign State. Furthermore, the building of the wall shows Israel's true position against a genuine peace process.

The creation of new physical divisions in the occupied Palestinian territory makes the possibilities of a definitive and fair settlement of this conflict even more remote. The bantustanization of the occupied Palestine territories creates new alterations on the ground that further complicate the future possible negotiations on permanent status and negate the possibility of establishing a Palestinian State contiguous throughout its territory. Violence and the use of force cannot lead to the solution that the world awaits to a conflict that could have been resolved many years ago if the Security Council had acted decisively, if a double standard had not prevailed in that body, and if paralysing vetoes had not prevented the adoption of appropriate actions to bring about Israel's withdrawal from all the occupied territories and to achieve the peace so yearned for in the Middle East.

Cuba reaffirms its firm support for the cause of the Arab peoples and expresses its full solidarity with their struggle and their resistance against foreign occupation. Cuba hopes that the General Assembly will adopt the necessary measures so that there can be an immediate end to the building of the separation wall;

so that the International Court of Justice can rule on this matter; so that all occupied Arab territories in the Gaza Strip, the West Bank and the Syrian Golan can be returned; so that there can be an end to Israeli provocations and aggressions against Lebanon and Syria; so that the return of Palestinian refugees can be guaranteed; so that the illegal Israeli settlements can be eliminated; and so that the Palestinian people can exercise their legitimate right to establish an independent State with its capital in East Jerusalem.

Mr. Niang (Senegal) (*spoke in French*): At the outset, I am pleased to express my delegation's sincere gratitude to you, Mr. President, for your praiseworthy initiative of convening this emergency special session on the illegal measures undertaken by the Jewish State in occupied East Jerusalem and the rest of the occupied Palestinian territory.

First of all, on behalf of my country, I should like to fully associate myself with the statement made earlier by the representative of Malaysia on behalf of the Non-Aligned Movement.

The relentlessness of the Israeli occupation forces against the innocent Palestinian people has just reached new heights with Israel's demonstration of force by building a so-called security wall in the occupied West Bank and in the vicinity of East Jerusalem. In addition to the massive arbitrary arrest operations, the deportations, the blockades of every sort, the destruction of infrastructure and the targeted killings, the project of building the wall seems to be a new find by Israel in the panoply of instruments of repression against the disillusioned and distressed Palestinian people.

According to the Israeli authorities themselves, this shameful piece of work is 145 kilometres long in its initial phase alone, causing the demolition of many Palestinian homes and the confiscation of just over 1,000 hectares of Palestinian lands known to be very fertile. Another consequence of this unfortunate operation is that 50,000 Palestinians are finding themselves overnight to be under Israeli jurisdiction — in other words, foreigners on their own lands. It is already established that the Israeli Government is planning the implementation of the second phase of the building of the Elkana wall in Jerusalem, to the east of the colonies of Ariel, Kidumim and Emanuel, in areas located 20 kilometres within the West Bank.

This is a new provocation that is likely to revive the feelings of humiliation of a vexed and scorned Palestinian people and to poison the atmosphere of trust between Israelis and Palestinians, who nevertheless are called upon to live together. My delegation appeals for a mobilization of the international community, including the United Nations — particularly the Security Council — and the Quartet of mediators, to make the Israeli Government listen to reason by demanding an immediate halt to the building of this wall of discord and the complete destruction of its initial segments.

Our conviction — which draws its inspiration from the Charter of the United Nations but also from common sense — is that only if our actions are anchored in legitimacy and legality can stability and peace be guaranteed. But this is a choice — a choice based on clear-sighted courage. I should like to nurture the hope that the Jewish State will, sooner rather than later, make that choice — a guarantee of shared prosperity and harmony.

Mr. Lavrov (Russian Federation) (*spoke in Russian*): The Russian Federation is gravely concerned at the alarming developments in the Middle East. The latest tragic events there attest to an extremely high level of tension in Palestinian-Israeli relations. There is a real danger that the geographical framework of the confrontation will expand and that other countries will be drawn into it, which could lead to even more tragic consequences for the security of the region and for the entire international community. The continuing heightening of tension in the region is causing serious damage to all parties to the conflict and to the efforts to find a Middle East settlement. More robust action is required on the part of the international community in order to prevent a worst-case scenario.

As we have stated repeatedly in both the Security Council and the General Assembly, Russia condemns all forms of violence and terror and resolutely opposes unilateral action in the Palestinian territories, including the building of the so-called separation wall. Precisely because of that position, Russia spoke out in favour of an adequate reaction by the Security Council to the dangerous developments in the Middle East. Now it is essential to urge the parties to immediately end the confrontation and resume the political process, whose ultimate goal should be a comprehensive settlement in the region.

The task at hand is the earliest possible implementation of the road map elaborated by the Quartet of international mediators and accepted by both parties. Both the Palestinians and the Israelis must renounce any action that would run counter to the spirit and the letter of the road map. Along with other aspects of the Middle East settlement, this question will be discussed at the upcoming visit to Moscow of the Prime Minister of Israel, Ariel Sharon.

During the ministerial meeting of the Quartet in September this year, held in New York, the Foreign Minister of Russia, Mr. Igor Ivanov proposed approval of the road map in a Security Council resolution. That proposal not only remains valid, but is becoming ever more relevant. Russia intends, within the next few days, to take practical steps to agree on this Security Council resolution. Its adoption should help efforts to implement the road map, the option for resolving the Palestinian-Israeli conflict to which there is no alternative.

In coordination with its Quartet partners, Russia, within the context of the Security Council and together with other interested parties, will continue its energetic efforts on all issues relating to a Middle East peace settlement, bearing in mind that all of the issues are intrinsically linked.

Mr. Memon (Pakistan): Allow me to thank you for scheduling this special session. It is important for the General Assembly to reflect upon illegal Israeli actions, especially the construction of the separation wall and continued settlement activities, which represent a serious challenge to efforts for peace in the Middle East. Pakistan associates itself with the statement made by the representative of Malaysia, on behalf of the Non-Aligned Movement.

During the public debate in the Security Council on 14 October, Pakistan underscored its opposition to the construction of the separation wall in the occupied Palestinian territories. We believe the wall is illegal; it has grave humanitarian consequences and seriously undermines the peace process.

The separation wall is being built in clear violation of international law and Israel's commitments under bilateral and international agreements. The wall does not follow the so-called "Green Line" and in effect cuts deep into Palestinian lands. As such, it runs contrary to the fundamental principle of international law, which deems illegal the acquisition of territory by the use of force. This principle, flowing from the Charter, is also reflected in the relevant General Assembly and Security Council resolutions as well as in other international agreements on the Middle East.

In his recent report, the Special Rapporteur of the Commission on Human Rights, John Dugard, has described the legal position as follows:

> "The wall has all the features of a permanent structure. The fact that it will incorporate half of the settler population in the West Bank and East Jerusalem suggests that it is designed to further entrench the position of the settlers. The evidence strongly suggests that Israel is determined to create facts on the ground amounting to de facto annexation. Annexation of this kind, known as conquest in international law, is prohibited by the Charter of the United Nations and the Fourth Geneva Convention." (*E/CN.4/2004/6*)

In addition, the 1995 Interim Agreement on the West Bank and the Gaza Strip states that neither party will "change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations" and that "the integrity and status" of the West Bank and Gaza Strip territory "will be preserved during the interim period." The wall being built is in clear breach of these provisions and thus its construction must be stopped.

The construction of the wall is also inconsistent with Israel's obligations under the Quartet's road map for peace in the Middle East. The road map, inter alia, stipulates that Israel "freezes all settlement activity, consistent with the Mitchell report", including natural growth of settlements. It is clear that rather than freeze, the wall will facilitate the further growth of illegal settlements in the occupied territories.

It is argued that the wall is necessary to fight terrorism and enhance security. This is an untenable argument. In fact, this is further evidence of how the war on terrorism is being misused by some to promote other objectives in their long-standing disputes. Clearly, security will not be enhanced by erecting a wall. Instead, security will come by ending the illegal occupation of Palestinian lands — which remains the root cause of tension and conflict in the Middle East.

The international community is rightfully concerned over the humanitarian fall-out of the

separation wall. In order to obtain the land for the wall, private Palestinian property has been requisitioned pursuant to military orders. The wall will isolate and fragment the Palestinians and separate them from their cities and resources. The Special Rapporteur of the Commission on Human Rights has calculated that over 210,000 Palestinians will be seriously affected by the wall.

Satellite images of the wall's alignment reportedly indicate that 45 per cent of Palestinian water resources and 40 per cent of Palestinian farmland will be on the Israeli side of the wall, and 30 per cent of Palestinians will have to live in enclaves in the Israeli side. As noted by one observer, the wall will separate children from their schools, women from modern obstetrics facilities, workers from their places of employment and communities from their cemeteries.

The separation wall undermines the prospects of a just and lasting solution to the Israeli-Palestinian dispute. Briefing the Security Council on 15 September 2003, the Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General, Mr. Roed-Larsen, outlined the implications as follows:

> "Despite the calls from all the members of the Quartet, the Government of Israel persists in building that structure. It makes the establishment of a viable Palestinian State more difficult and the hope of peace more distant, and it undermines any Palestinian prime minister's efforts to muster popular support." (*S/PV.4824*)

The Quartet principals, in a statement after their meeting in New York on 26 September 2003,

> "... note[d] with great concern the actual and proposed route of Israel's West Bank fence, particularly as it results in the confiscation of Palestinian land, cuts off the movement of people and goods and undermines Palestinians' trust in the road map process, as it appears to prejudge final borders of a future Palestinian State." (*S/2003/951*)

Earlier, the United Nations Secretary-General had characterized the separation wall and the settlements as serious obstacles to the achievement of a two-State solution.

The international community has an obligation to prevent the unlawful annexation of Palestinian land. There is little doubt that the separation wall, if completed, would negate the possibility of a contiguous, viable Palestinian State. The Government of Israel must, therefore, be persuaded to cease, and reverse, the construction of the wall, which we deplore.

Pakistan believes the international community also has an obligation to promote a comprehensive peace in the Middle East, on the basis of Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002) and Crown Prince Abdullah's peace plan. We all have a stake in the cessation of violence, restoration of normalcy, and revival of the peace process. It is only through full and faithful implementation of the road map that we can advance the vision of two States — Israel and Palestine — living side by side in peace and security, within recognized borders.

We therefore support the draft resolutions tabled today.

Mr. Shervani (India): I thank you, Sir, for convening this emergency special session to consider an issue of importance and relevance to the membership of the General Assembly.

It was less than four months ago that an agreement, signed on 27 June 2003 between the Government of Israel and the Palestinian Authority on the withdrawal of Israeli forces from agreed positions in the Gaza Strip and Bethlehem, heralded hopes for the implementation of the Quartet's road map, leading to a permanent settlement of the conflict based on Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002). For a few weeks, relative peace and calm did reign, unfortunately giving way all too soon to a vengeful return of the same cycle of violence and retribution that we have so often seen in the Middle East.

Just last week, three members of a diplomatic convoy of the United States of America lost their lives in a terrorist attack in Gaza. We condemn the attack and offer our condolences to the families of the victims and to the Government of the United States. We commend the Palestinian authorities for their swift action in attempting to bring the suspects to book, and we are confident that such efforts will bear results all round.

Unfortunately, some recent acts of the Government of Israel have not assisted the cause of peace. The air strike on Syrian territory on 5 October

fuelled tensions in an already volatile region. We strongly deplore that attack and the violation of the sovereignty of Syria's territorial integrity. Reacting to the attack, the Secretary-General stated that he was especially concerned that this further escalation of an already tense and difficult situation has the potential to broaden the scope of current conflicts in the Middle East, further threatening regional peace and security.

The past few weeks have also witnessed an escalation in Israeli military activities in the occupied territories. The recent operations of the Israeli Defence Forces in Gaza resulted in 14 Palestinians killed and 1,400 reportedly homeless.

The issue at hand today relates to Israeli actions to construct a wall in the occupied territories. While we understand the legitimate rights of States to self-defence, Israel's unilateral decision to construct a security wall in occupied territory cannot be justified. More importantly, Israel's insistence on continuing with the construction of a security wall would be widely interpreted as an attempt to predetermine the outcome of any final status negotiations between Israel and the Palestinian Authority on the basis of the principle of land for peace, as called for by the relevant Security Council resolutions.

Before proceeding any further with its plans, Israel must also consider the humanitarian consequences of its unilateral actions upon the affected Palestinians. Construction of the wall would transgress Palestinian lands, annex agricultural areas, destroy dwellings and separate families. Such actions only increase the sense of despair and frustration among the Palestinians and aggravate a situation already vitiated by the imposition of hardships and sufferings imposed by a regime of blockades and roadblocks. We call upon Israel to cease any such construction in occupied Palestinian territories.

The road to peace is often bumpy, but the ride must be endured in the interest of the peoples of the region and in the interest of international peace and harmony. There must be no hiatus in the efforts of the international community to promote the peace process irrespective of the obstacles that come before it. As one reputable newspaper columnist recently wrote, "If the Israeli-Palestinian conflict is not getting better, then it will get progressively worse".

It is the responsibility of all Members States of the Assembly to assist in the task of carrying forward the gains made at Oslo and Madrid and to push for implementation of Security Council resolution 1397 (2002), which affirmed for the first time the vision of a region in which two States, Israel and Palestine, live side by side within secure and recognized borders.

India supports the Quartet's road map as the only viable process that can promote a peaceful solution to the conflict. We are convince that the urgent need of the hour is for the parties concerned, the Quartet members and the international community to persevere. That is the most reasonable way out of the logjam.

Mr. Zhang Yishan (China) (*spoke in Chinese*): China supports the request from the League of Arab States and the Non-Aligned Movement to resume the tenth emergency special session of the General Assembly. We also wish to thank you, Mr. President, for holding this timely meeting.

Recently, tension in the Middle East has intensified once again. China is deeply disturbed and concerned about the new developments. Under such circumstances, it is deplorable that the Israeli Government has decided to continue its construction of the separation wall and expand settlements. The explanation given by the Israeli Government — that this is due to security reasons — is not convincing.

We believe that the issue of Palestine lies at the core of the Middle East problem and that its essence is that the legitimate national rights of the Palestinian people, including the right to their own State, have not been restored. The root cause of the current Israeli-Palestinian conflict is the serious lack of mutual trust, leading to the vicious circle of using violence against violence. The ultimate goal in seeking solutions to the Middle East issue is to achieve the peaceful coexistence of all countries in the region. The separation wall cannot definitively solve Israel's security problems. It will serve, in fact, to deepen mutual hostility and hatred, leading further from the goal of peaceful coexistence among Middle East countries. The history of the past 50 years and more in the region clearly shows that political negotiation is the only route to long-term stability in the region.

At present, Israeli-Palestinian peace talks are faced with grave challenges. We call on all the parties concerned to adopt an approach that focuses on the long term, to exercise restraint and to take practical measures to avoid any extremist acts, so as to create

favourable conditions for the easing of tensions and the resumption of peace talks.

At the same time, we believe the international community — especially the Quartet mechanism — should continue and reinforce their efforts to promote peace and start implementing the road map again as soon as possible. As a permanent member of the Security Council, China is ready to work with the rest of the international community and to continue to make its own contributions to enhancing the Middle East peace process.

Mr. Chidyausiku (Zimbabwe): I associate Zimbabwe with the statement made by Malaysia, on behalf of the Non-Aligned Movement (NAM). As a member of the Committee on Palestine of the Non-Aligned Movement, Zimbabwe is grateful to you, Sir, for convening this tenth emergency special session of the General Assembly on the illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory. It is our hope that this debate will assist efforts to bring peace to the Middle East and further our common agenda for peace and security.

The report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (E/CN.4/2004/6) clearly demonstrates the suffering of the Palestinian people. This situation is of grave concern to us as we witness on a daily basis unacceptable levels of violence, terror and destruction of property perpetrated by Israel against innocent Palestinian women, children and men.

While we recognize the right of every nation, Israel included, to self-defence, we condemn the wanton and senseless killings and bombings and the abuse of military might being displayed by that country. The United Nations cannot allow these violations of human rights and international humanitarian law to continue unabated. We concur with the Special Rapporteur that some limit must be placed on the violation of human rights in the name of counter-terrorism. It is also important that a balance be struck between respect for human rights and the interests of security.

We are concerned that Israel has continued to construct a wall separating it from the West Bank in blatant disregard of Article 2, paragraph 4 and Article 1, paragraph 2 of the United Nations Charter, and in violation of article 47 of the Fourth Geneva Convention, which bans the annexation by an occupying Power of the whole or part of the occupied territory. Article 33 of the same Convention prohibits the collective punishment of protected persons.

The building of the wall, which ignores the legitimate concerns of the Palestinian people, has resulted in the confiscation of Palestinian land, destruction of their livelihoods and annexation of their land. People have been cut off from their farmlands, work places, schools, health facilities and other social services.

The above scenario does not assist the peace efforts; rather, it destroys them. It also undermines the existence of an independent sovereign State of Palestine. It is therefore important for the United Nations and other international players to take concrete and immediate measures to ensure an end to the arrogance of power and absence of morality that the Israeli actions in the occupied territories represent.

This is important for rescuing the potential for achieving peace and a final settlement based on the existence of two States — Israel and Palestine. We urge the General Assembly to assist in this process. In the end, it is our hope that this Assembly will pass the draft resolutions that are before us and send a strong message that the international community has the will to call a spade a spade. The construction of the separating wall is nothing but an expansionist ploy.

Mr. Spatafora (Italy): I have the honour to speak on behalf of the European Union. The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia and the associated countries Bulgaria, Romania and Turkey align themselves with this statement.

The European Union is firmly committed to the clear objective of two States — Israel and a viable and democratic Palestinian State — living side by side in peace and security, in the framework of a comprehensive peace in the Middle East as laid out in the road map.

The European Union is deeply concerned by the situation in the region and has noted that, despite support given by the international community to the quest for a just and lasting solution, insufficient effort has been made by the concerned parties to seize the opportunity for peace set out in the road map.

underscored by the recent Quartet ministerial statement issued on 26 September. On the contrary, rising violence is bringing added suffering and death to both the Israeli and the Palestinian peoples and putting security in the region and beyond at risk.

The European Union therefore calls on both parties — Israel and the Palestinian Authority — to live up to the commitments they undertook at the Aqaba summit on 4 June 2003.

The European Union urges all parties in the region to immediately implement policies conducive to dialogue and negotiations. The European Union relationship with those who will take steps to the contrary will inevitably be affected by such behaviour.

The European Union welcomes initiatives from civil society on both sides and is ready to further assist in the effort to promote rapprochement, confidence building and the search for a lasting peace.

The European Union strongly condemns the intensification of suicide attacks and other acts of violence that have occurred over the last few weeks, and calls upon all sides to refrain from any provocative action that would further escalate tension. The European Union strongly condemns the vile terrorist attack that took the lives of three United States citizens near the Eretz checkpoint in the Gaza strip on 15 October and expresses its condolences to the bereaved families. The European Union expects that the perpetrators will be brought to justice.

Terrorist attacks against Israel have no justification whatsoever. The European Union reiterates that the fight against terrorism in all its forms is one of the priorities of the European Union as well as of the entire international community and that it is the duty of all countries, in particular of those in the region, to actively cooperate in the fight against terrorism and to abstain from all support, direct or indirect, to terrorist organizations.

The European Union emphasizes once again that the Palestinian Authority must concretely demonstrate its determination in the fight against extremist violence and urges the Palestinian Authority and its President to take immediate, decisive steps to consolidate all Palestinian security services under the clear control of a duly empowered prime minister and interior minister, and to confront individuals and groups conducting and planning terrorist attacks.

The European Union recognizes Israel's right to protect its citizens from terrorist attacks. It urges the Government of Israel, in exercising that right, to exert maximum effort to avoid civilian casualties and take no action that aggravates the humanitarian and economic plight of the Palestinian people. It also calls on Israel to abstain from any punitive measures which are not in accordance with international law, including extra-judicial killings.

The European Union is particularly concerned by the route marked out for the so-called security fence in the occupied West Bank. The envisaged departure of the route from the Green Line could prejudge future negotiations and make the two-State solution physically impossible to implement. It would cause further humanitarian and economic hardship to the Palestinians. Thousands of Palestinians west of the fence are being cut off from essential services in the West Bank, and Palestinians east of the fence will lose access to land and water resources.

The European Union calls on Israel to reverse its settlement policy and to dismantle settlements built after March 2001.

The European Union reiterates its determination to contribute to all aspects of the implementation of the road map and stresses the importance and urgency of setting up a credible and effective third-party monitoring mechanism.

Mr. Cunningham (United States of America): Last week, the Security Council voted on a draft resolution nearly identical to one of the texts before the Assembly today. As you know, Sir, my delegation opposed that draft resolution, and four other delegations abstained. The United States was prepared to engage in discussion of the draft, but the precipitate call for an immediate vote on Tuesday night regrettably pre-empted further discussion. Our position on one-sided draft resolutions in the Security Council and the General Assembly has been very clear. They are unacceptable unless they take into account the complex security situation on the ground and include a condemnation of terrorist bombings and the groups that perpetrate them.

Just last week, three Americans were killed outside a refugee camp in the Gaza Strip — and I thank those who have expressed their condolences to the families in their statements. Those United States Government employees were escorting cultural

attachés on their way to interview Palestinian academics who had applied for Fulbright scholarships to study or teach in the United States. President Bush condemned that vicious act of terrorism directed against Americans in Gaza in the strongest terms. He said that Palestinian authorities should have acted long ago to fight terror in all its forms. The failure to create an effective Palestinian security force dedicated to fighting terror continues to cost lives. He also said, "This is another example of how the terrorists are enemies of progress and opportunity for the Palestinian people".

In our view, any resolution concerning the fence must take into account the larger picture: the current security situation including the devastating terrorist attacks. We also oppose the call for an International Court of Justice advisory opinion — a move that, in our view, will only complicate the international community's efforts to realize a two-State solution. Resolution of the conflict must come through negotiated settlement, as called for in Security Council resolution 242 (1967) and 338 (1973). Injecting a new player such as the International Court of Justice into the peace process will only complicate matters and risks politicizing the Court. It will not advance the Court's ability to contribute to global security or respect for the rule of law.

For our part, the United States, along with Quartet partners, will continue to work towards the implementation of President Bush's vision of a two-State solution to the Israeli-Palestinian conflict, as set forth in the road map. We remain committed to the road map as the way forward towards the goal of the Israeli and Palestinian peoples living side by side in peace.

The President: In accordance with General Assembly resolution 3369 (XXX) of 10 October 1975, I now call on the Observer for the Organization of the Islamic Conference.

Mr. Lamani (Organization of the Islamic Conference) (*spoke in Arabic*): At the outset, we express our deep thanks to you, Sir, for promptly responding to our call to reconvene the tenth emergency special session of the General Assembly. It was our hope on 14 October that the Security Council would adopt definite and binding measures to stop the Israeli Government from proceeding with the construction of the so-called security fence — that expansionist wall. Unfortunately, the use of the veto has dashed those hopes.

Meanwhile, the construction of illegal Israeli settlements offers further proof of the colonial policies that Israel has adopted since 2002, when it decided to construct the so-called security fence in the West Bank, thus furthering its illegal policies in the occupied Palestinian territories. The construction of the racist separation wall on Palestinian territory is a flagrant violation of international law and international humanitarian law because it alters the facts on the ground and undermines the prospects for peace in the West Bank and the Palestinian territories. The wall will divide the West Bank into hundreds of small separate entities that are not viable and that will resemble small open separate prisons, surrounded by checkpoints, military barricades and Israeli settlements. Thus, the Israeli policy against the Palestinians possesses all the traits of the crime of apartheid as defined by the 1976 International Convention on the Suppression and Punishment of the Crime of Apartheid.

In a position paper on the security wall, dated April 2003, B'Tselem, the Israeli Information Centre for Human Rights in the Occupied Territories, said that past experience indicates that Israel has exploited its power to restrict the movement of Palestinians in the occupied territories in order to achieve illegal objectives, motivated by considerations in no way related to Israel's security. It is reasonable to assume that the separation wall, like the Israeli settlements, will create facts on the ground that will be used to support future Israeli claims to more land.

In addition to the disastrous consequences that the separation wall will have on the Palestinian people, the leaders of the Christian churches in Jerusalem issued a statement on 26 August 2003, calling attention to the disastrous effects and the extensive damage that the wall will have on Bethlehem and the Christians. The psychological effects on the daily lives of the Christians will be tremendous; they will be isolated and deprived of access to their land and their movements will be restricted. Pilgrims' visits to Bethlehem will be extremely curtailed.

In the final communiqué issued by the tenth session of the Organization of the Islamic Conference summit, held in Putrajaya, Malaysia, from 16 to 18 October, the heads of State or Government and organizations called on the international community to

force Israel to cease building the wall and to reverse its decision on this racist structure. The wall violates the Palestinian territories, turns them into bantustans and imposes an unjust, political reality that will lead to further deterioration of the situation in the entire region.

It is clear that Israel, the occupying Power, has totally failed to respect its commitments to the civilian Palestinian population, in conformity with international law and international humanitarian law. That situation has lasted for 36 years; however the escalation of Israel's violations has taken a very dangerous turn since September 2000. Protecting Israel and giving it a green light does nothing but further encourage it to continue its violations of the Geneva conventions, the laws of The Hague and relevant resolutions of the United Nations. We have repeatedly asked for international protection for the Palestinian people, as a mechanism to implement a step towards the withdrawal of the Israeli occupation forces from the Palestinian territories and to put an end to the occupation. We reiterate this call as we witness the escalation of violence by Israeli forces against Palestinian civilians in all of the occupied Palestinian territories. Providing such international protection for the Palestinians is more urgent than ever.

Failure by the international community to deal seriously and firmly with this dangerous and deteriorating situation in the occupied Palestinian territories will undoubtedly perpetuate violence and destruction and lead to more bloodshed. We cannot allow Israel to continue building its expansionist wall, to pursue its settlement policies and to perpetuate its illegal occupation of Palestinian and Arab territories.

The only option for the international community is to force Israel to put an end to its barbaric inhumane military campaign against the Palestinian people, to end its settlement colonialist policies, to remove the expansionist wall and to return to the negotiating table. We emphasize again that the root cause of the current conflict in the Middle East is the Israeli occupation of the Palestinian and Arab territories, including Jerusalem, since 1967. Putting an end to that occupation is the only way to settle this conflict.

The President: I thank the Observer for the Organization of the Islamic Conference.

We have heard the last speaker in the debate on this item for this meeting. As mentioned earlier, in connection with this item the Assembly has before it two draft resolutions issued as documents A/ES-10/L.13 and A/ES-10/L.14. At the request of the sponsors, the Assembly will continue its consideration of this item at 3 p.m. tomorrow.

The meeting rose at 5.45 p.m.